

# THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

434.455.3900

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To: Planning Commission

From: Planning Division

Date: September 14, 2005

**RE: SUBDIVISION, STREET DEDICATION AND NAMING REQUEST- PERSIMMON WAY, SECTION II SUBDIVISION, OFF MOUNTAIN LAUREL DRIVE**

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## I. PETITIONER

David J. Smith and Patricia Smith, 209 Trents Ferry Road, Lynchburg, VA 24503-1021.

**Representative:** Troy D. Williams, Hurt and Proffitt, Inc., 2524 Langhorne Road, Lynchburg Virginia 24501.

## II. LOCATION

The subject property is a tract of land containing approximately thirty-two (32) acres located on the east side of Mountain Laurel Drive, which is off Running Cedar Way and Locksview Road. The proposed new street contains one and nineteen hundredths (1.19) acres located on the east side of Mountain Laurel Drive.

## III. PURPOSE

The purpose of this request is to dedicate one and nineteen hundredths (1.19) acres for right-of-way for the proposed public street to be named "Persimmon Way" located on the east side of Mountain Laurel Drive.

## IV. SUMMARY

- Request agrees with the Subdivision Ordinance requirements for dedicating public rights-of-way in an existing R-1, Low Density, Single-Family Residential District.
- Petition agrees with the Zoning Ordinance requirements for right-of-way dedications.
- Request complies with City Code Section 35.105 requirement that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

**The Planning Division recommends approval of the public street dedication and naming requests.**

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## V. FINDINGS OF FACT

1. **Background.** Troy D. Williams, Hurt and Proffitt, Inc., is requesting to dedicate one and nineteen hundredths (1.19) acres for right-of-way of the proposed public street to be named "Persimmon Way" located on the east side of Mountain Laurel Drive, which is off Running Cedar Way and Locksview Road. The proposed street, with fifty (50) feet of right-of-way, would extend from Mountain Laurel Drive in a northeasterly direction for approximately nine hundred (900) feet to its terminus in a cul-de-sac.

2. **Zoning.** The subject property is zoned R-1, Low Density, Single-Family Residential District.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision, street dedication and naming request.
4. **Proposed Use of Property.** The purpose of the request is to develop approximately thirty-two (32) acres into five (5) lots with a residue lot, street dedication and naming for residential single-family lots.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a preliminary subdivision plat on August 23, 2005. The TRC noted the need for several revisions, most of which are minor in nature and which are expected to be resolved by the petitioner prior to the approval of a final plat. The TRC had the following comments of significance to the consideration of the requested subdivision, street dedication and naming:
  - “Show any existing and proposed water line and sewer easements on this plat.”
  - “Separate road-water-sewer plans must be submitted to the Engineering Division for review for any infrastructure which will become City-owned property.”
  - “Public utilities will need to be extended to serve the subject property. Road, water and sewer plans are to be submitted separately to the Engineering Division for review.”
  - TRC Members—the Traffic Engineer and the Fire Marshal—reviewed the request and had no concerns with the proposed public street name. The Emergency Communications Administrator and the Lynchburg Post Office Customer Services Manager also found that the proposed street name does not conflict with any existing street names.

## VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street to be named “Persimmon Way,” with fifty feet of right-of-way, approximately nine hundred (900) feet in length, to be constructed in substantial compliance with the plat by Hurt & Proffitt, Inc., dated May 13, 2005. The dedication of Persimmon Way and its acceptance as a public street is contingent on David J. Smith and Patricia Smith filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of Persimmon Way as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. R. Douglas Dejarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau

Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Ms. Annette Chenault, Planner II  
Ms. Nicole Gilkeson, Community Development Planner  
Mr. Troy D. Williams, Hurt and Proffitt, Inc., Representative

## **VII. ATTACHMENTS**

1. "Plat Showing Persimmon Way Section II"  
(see attached plat by Hurt & Proffitt, Inc., dated May 13, 2005)